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FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1983 OF 2005.

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Mr. Mangesh B. Shirsat for the petitioner.

Mr. A.S. Shitole, A.P.P., for the respondent -State.

CORAM: S.S. PARKAR &
ANOOP V. MOHTA, JJ.

DATED: 30TH AUGUST, 2005.

P.C.:

. Rule.

2. Learned A.P.P. waives service of notice of Rule on behalf of the respondents. By consent, the matter is taken up for hearing today.

3. The grievance of the petitioner is that his licence for running a lodging and boarding house has been cancelled by the Commissioner of Police by issuing orders under the provisions of the Bombay Police Act on 8th July, 2005. By the said order, he was informed that his

licence will be cancelled after the expiry of 30 days unless he bring stay order from the Appellate authority. The petitioner's case is that he has filed Appeal on 15th July, 2005 and he has also applied for interim stay of the order of cancellation of his licence. However, the Appellate Authority has not so far either heard the Appeal or the application for interim stay and, therefore, the present Petition has been filed. Reliance is placed on the judgment of this Court delivered by the Division Bench in the case of **Bhaskar B. Bhosle Vs. State of Maharashtra & ors.** 2003 (4) Mh.L.J., 328. In the said case, in a similar situation, this Court had directed the Appellate Authority to pass an appropriate order on the application of the petitioner for stay. Till then, the order impugned in the Appeal was directed not to be implemented. The Appellate Authority was given time of four weeks to decide the application for stay.

4. The present Petition is also on all fours as the case which was decided by the Division Bench of this Court and, therefore, this Petition also can be disposed of by

passing similar order.

5. We direct the Appellate Authority to pass an appropriate order on the application for stay filed by the petitioner within a period of four weeks from today. Till then, the impugned order shall not be implemented. The Rule is made absolute accordingly.

[S.S. PARKAR, J.]

[ANOOP V. MOHTA, J.]